

**19656. Misbranding of Germania herb tea. U. S. v. 96 Packages of Germania Herb Tea. Default decree of condemnation and destruction. (F. & D. No. 27940. I. S. No. 50095. S. No. 5974.)**

Examination of the drug product involved in this action showed that it was falsely labeled as to the name of the manufacturer and the State in which it was produced.

On March 23, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 96 packages of Germania herb tea at Akron, Ohio, alleging that the article had been shipped in interstate commerce on or about January 20, 1932, by the J. Walker Burns Co., from Chicago, Ill., and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of senna leaves with smaller proportions of other plant drugs including corn flower, arnica, uva ursi, and a drug containing mydriatic alkaloids.

It was alleged in the libel that the article was misbranded in that it was falsely branded as to the State in which it was manufactured or produced, and in that the statement on the label, "Germania Tea Co.," was false and misleading, since the article was not manufactured or produced by that firm.

On June 27, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19657. Adulteration and misbranding of antiseptic solution and San-I-Cide mouth wash. U. S. v. 24 Dozen Bottles of Antiseptic Solution, et al. Default decrees of destruction entered. (F. & D. Nos. 28235, 28236. I. S. Nos. 50060, 50061. S. No. 6085.)**

These actions involved an interstate shipment of antiseptic solution, which was represented to meet the requirements of the National Formulary, and which was found to contain more alcohol and less boric acid than prescribed in the said formulary; and a shipment of San-I-Cide mouth wash, which was represented to be an antiseptic, and which examination showed was not antiseptic when used as directed. Examination also showed that the articles would not produce certain curative and therapeutic effects claimed in the respective labelings.

On April 27, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24 dozen bottles of antiseptic solution and 48 dozen bottles of San-I-Cide mouth wash at Columbus, Ohio, alleging that the articles had been shipped in interstate commerce, on or about March 4, 1932, by LaPompador (Inc.), from Minneapolis, Minn., to Columbus, Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the antiseptic solution consisted essentially of boric acid (0.5 gram per 100 cubic centimeters), alcohol (by volume 39 per cent), volatile oils, and water; and that the San-I-Cide mouth wash consisted essentially of small proportions of formaldehyde and zinc chloride, glycerin, alcohol (by volume 8.3 per cent), and water flavored with cinnamon oil and colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

Adulteration of the antiseptic solution was alleged in the libel for the reason that it was sold under a name recognized in the National Formulary, "antiseptic solution (liquor antisepticus)," and differed from the standard of strength, quality, or purity as determined by the test laid down in the said formulary, since analysis showed that it contained 38 per cent of alcohol and 0.5 gram of boric acid per 100 cubic centimeters, whereas the formulary prescribes that antiseptic solution should contain 28 per cent of alcohol and 2½ grams of boric acid per 100 cubic centimeters in addition to other ingredients. Adulteration of the antiseptic solution was alleged for the further reason that its strength fell below the professed standard or quality under which it was sold, namely, "Contains 28% Alcohol." Adulteration of the San-I-Cide mouth wash was alleged for the reason that it fell below the professed standard of strength under which it was sold, namely, "San-I-Cide Mouth Wash \* \* \* An Effective \* \* \* Antiseptic," since it was not an antiseptic when used as directed on the label for mouth wash, gargle, spray, or douche.

Misbranding of the antiseptic solution was alleged for the reason that the statements, "Antiseptic Solution (Liquor Antisepticus) \* \* \* Contains 28% Alcohol Manufactured According to National Formulary Fifth Edition," were false and misleading, and for the further reason that the statements regarding its curative or therapeutic effects, "Sore Throat—Gargle either diluted with water or full strength," appearing on the label, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding of the said San-I-Cide mouth wash was alleged for the reason that the statements on the label, "San-I-Cide Mouth Wash \* \* \* An Effective \* \* \* Antiseptic \* \* \* Contains \* \* \* well known antiseptics \* \* \* San-I-Cide is a pleasant, penetrating antiseptic mouth wash," were false and misleading when applied to an article which was not antiseptic when used as directed. Misbranding was alleged with respect to the said San-I-Cide mouth wash for the further reason that the following statements appearing on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "It makes the gums firm, healthy, and prevents receding. Aids in treating and preventing pyorrhea. Used as a spray or as a gargle, San-I-Cide gives relief in treating sore throat, tonsillitis. \* \* \* is of great value in guarding against influenza, grippe, \* \* \* and other infectious diseases. \* \* \* The daily use of San-I-Cide will keep \* \* \* the gums firm and healthy, \* \* \* and by keeping the tissues of the mouth and throat in a firm and healthy condition will guard the entire system against contagion and disease. \* \* \* A small quantity added to water when brushing the teeth will make the gums firm, \* \* \* Will keep the tissue of the mouth and throat in a healthy condition. Bleeding Gums—Use as a mouth wash three times a day. Sore Throat and Tonsillitis—Dilute with an equal amount of hot water and use as a gargle or spray, \* \* \* Sore Mouth—Use full strength as a wash."

On June 22, 1932, no claimant having appeared for the property, judgments were entered ordering that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19658. Adulteration and misbranding of Ward's antiseptic tooth paste, and misbranding of Dr. Ward's Celebrated liniment, Ward's roup and white diarrhoea remedy, Ward's medicated poultry tonic, Ward's stock tonic, Ward's pills, Ward's kidney and bladder medicine, and Ward's pain reliever. U. S. v. Dr. Ward's Medical Co. Plea of nolo contendere. Fine \$240. ( F. & D. No. 27442. I. S. Nos. 625, 692, 11664, 11669, 24557, 24558, 24559, 24560, 24561, 24564, 24565, 24566, 24567, 24568, 24978, 24979, 24980, 24981, 24982, 25159.)**

This action was based on interstate shipments of various drug preparations recommended for man and animals. Analyses showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. The so-called antiseptic tooth paste was not antiseptic; the Ward's medicated poultry tonic contained sodium sulphate, which was not named on the label with the other declared ingredients.

On June 21, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Dr. Ward's Medical Co., a corporation, Winona, Minn., alleging shipment by said company in violation of the food and drugs act, as amended, of quantities of the said drug preparations which were misbranded, and of a quantity of Ward's antiseptic tooth paste which was adulterated and misbranded. The violations charged in the information embraced quantities of Dr. Ward's Celebrated liniment shipped between the dates of April 7 and October 9, 1930, from the State of Minnesota into the State of California; quantities of Ward's roup and white diarrhoea remedy, Ward's medicated poultry tonic, Ward's stock tonic, Ward's pills, and Ward's kidney and bladder medicine, shipped on or about March 14, 1931, from the State of Minnesota into the State of Michigan; and quantities of Ward's roup and white diarrhoea remedy, Ward's pills, Ward's antiseptic tooth paste, Ward's kidney and bladder medicine, and Ward's pain reliever, shipped between the dates of December 25, 1930, and March 31, 1931, from the State of Minnesota into the State of Iowa.